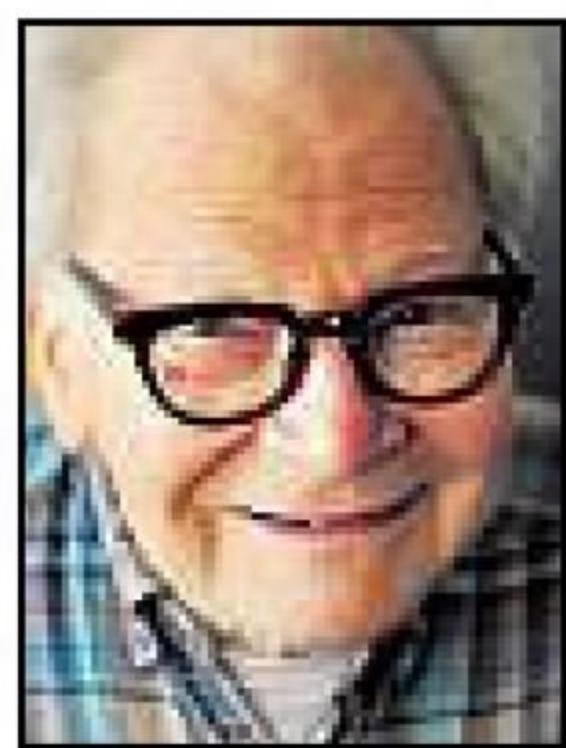


Longtime Atlanta theater dweller can stay – for now

Operator had voted to end resident's lease

By **KATE BRUMBACK**
THE ASSOCIATED PRESS

ATLANTA – Joe Patten, known as the “Phantom of the Fox,” can stay in his apartment while he and a group that runs Atlanta’s historic Fox Theatre work on an agreement, a judge decided Wednesday.



Patten “Both sides are working together to work this thing out, and it’s my hope that they will be able to work it out,” Fulton County Superior Court Judge Jerry Baxter said.

Patten, 83, has lived in the apartment beneath the Fox’s onion-shaped dome since 1979, when he signed a lifelong lease. But the trustees of the non-profit Atlanta Landmarks, which runs the Fox, voted in August to terminate that lease, which meant Patten would have to leave by Dec. 1.

Patten’s lawyer, Emmet Bondurant, sued earlier this month to prevent the eviction. The judge canceled a hearing Wednesday after he met with lawyers for both sides and the parties agreed to work out a solution.

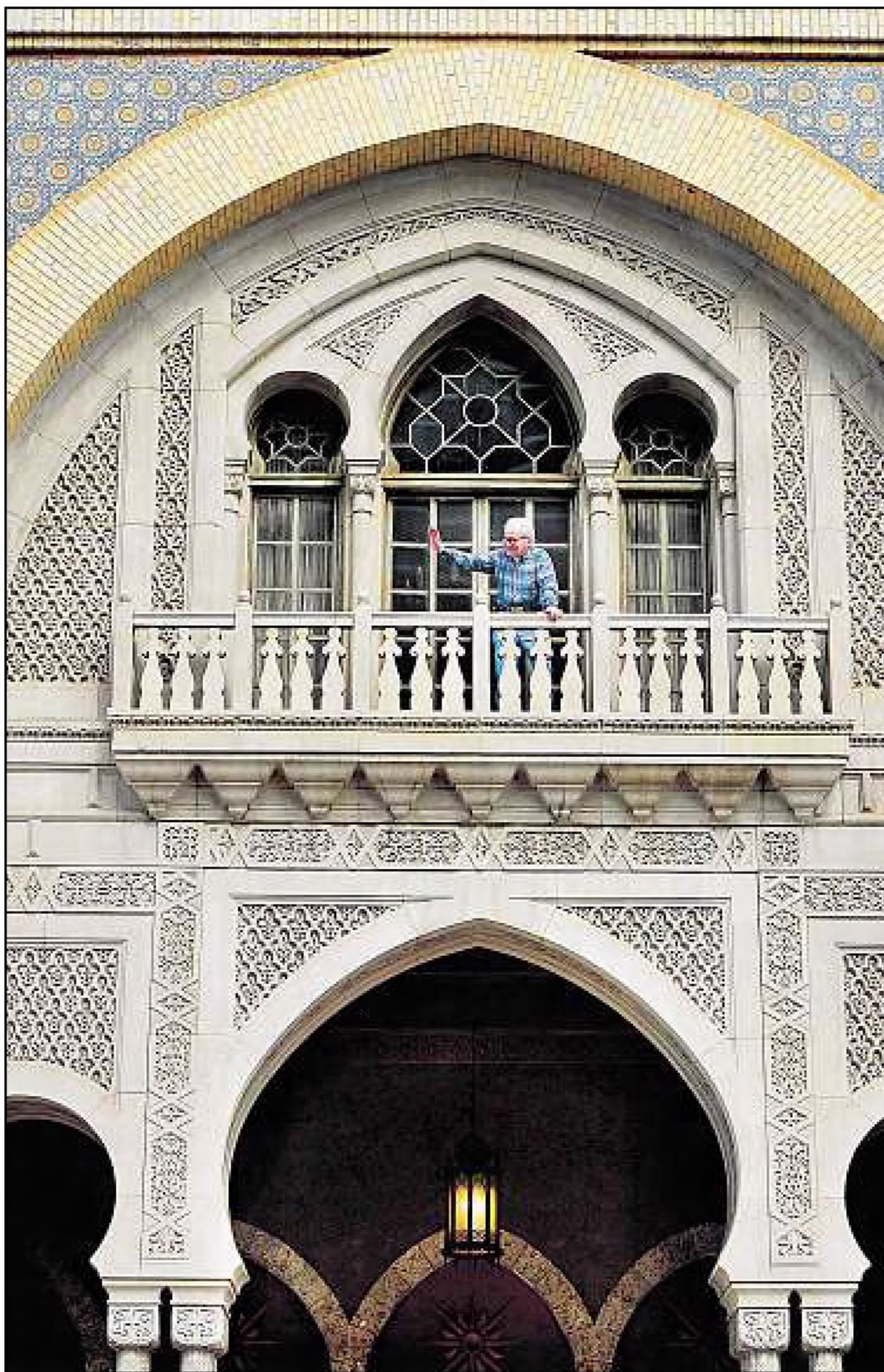
Patten said he was “tickled to death” after his lawyer explained that he would be allowed to stay.

“It’s wonderful. I was hoping it would turn out like this,” he said, a giant smile on his face. “That’s exactly what I wanted.”

The Fox Theatre released a statement saying the parties had agreed to keep Patten’s original lease in place “for the time being.”

In terminating Patten’s lease, the trustees said the Fox is not an appropriate setting for round-the-clock care or assisted living.

Patten suffered a stroke in mid-



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Joe Patten waving from his Fox Theatre apartment recently.

July that required a short stint in a hospital and then several weeks at a rehabilitation facility. He also suffers from diabetes and spine problems.

Bondurant claimed the non-profit was discriminating against Patten based on his physical condition, a violation of the Georgia Fair Housing Act. Patten declined to sign the new agreement, saying he wanted to be allowed to stay in his apartment under the original conditions.

Patten’s plight struck a nerve in Atlanta, where he is cherished by

supporters of the Fox. Patten helped restore the theater’s pipe organ in 1963. When the Fox was threatened with demolition in the 1970s, Patten helped lead the effort to raise money to save it.

Patten’s knowledge of the theater helped him save it a second time when an early-morning fire started in 1996. He was able to pinpoint the fire’s location and get firefighters there quickly.

He served as the theater’s technical director from 1979 until his retirement in 2001.